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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,033	03/16/2004	Motohiro Hayashi	4074-11	1260
23117 7590 06/03/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER CHEN, ALAN S				
ART UNIT 2182		PAPER NUMBER		
MAIL DATE 06/03/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,033

Applicant(s)

HAYASHI ET AL.

Examiner

Alan S. Chen

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7, 8 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7, 8 and 19-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/14/08 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 7,8 and 19-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. In line 2, Applicant cites "to be controlled by an apparatus" and subsequently in line 4, Applicant cites "a controlling apparatus". It is unclear whether this is the same apparatus. In order to further expedite prosecution, Examiner will assume Applicant is referring to the same apparatus here.
5. Claims 8 has the same indefiniteness issue as claim 7.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 7, 8 and 19-29 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat. No. 2003/0184784 to Ferlitsch.

8. Per claim 7, Ferlitsch discloses a control system (*figs. 2 and 4*) comprising: an apparatus (*fig. 2, item 42, local computer system*) to be controlled by an apparatus (*fig. 2, item 46 and paragraph 57 discloses it being a server*) to which identification information (*fig. 3, driver information*) for identifying a specification of the apparatus to be controlled is transmitted (*paragraph 40, dynamically linkable objects are specifications related to the printer instruction interface, user interface, printer application, etc*); and a controlling apparatus (*fig. 2, item 46*) for controlling the apparatus to be controlled on the basis of the identification information (*paragraph 39, "...an identification and association of the dynamically linkable objects enables a dynamic change by adding or subtracting linkable objects*), the apparatus to be controlled (*fig. 4A, item 60*) including a processor (*fig. 4A, item 65*) capable of performing the operations of: detecting a change in a specification for a device attached

(fig. 2, item 44 is the printer device that is attached via the network to the computer, item 42) to the apparatus to be controlled (paragraph 46, the main entry object determines/detects when the driver needs to be updated, e.g., the printer user interface has new features that require a dynamically linkable object in order to run); obtaining, from a memory (driver/object information intrinsically stored on a memory), changed identification information which is modified with the specification of the attached device for identifying the specification of the apparatus to be controlled (paragraph 46, the main entry object determines that the driver is to be updated and the new features are the upgraded modified version of the driver downloaded from the printer driver source fig. 2, item 46); and transmitting the changed identification information from the apparatus to be controlled to the controlling apparatus (paragraph 46, a request is made, based on what is to be updated, from the computer device, fig. 2, item 42 to the printer driver source, fig. 2, item 46).

9. Per claim 8, claim 7 is substantially similar and therefore the rejection is applied accordingly. Per claim 8, the connection unit is shown in fig. 4A, item 67 of Ferlitsch. The processor, fig. 4A, item 65 handles the central control of the computer device.

10. Per claim 19, claim 7 is substantially similar and therefore the rejection is applied accordingly.

11. Per claim 20, Ferlitsch discloses claim 19, Ferlitsch further discloses the attached device (*printer*) has firmware that can be updatable (*paragraph 55, spooler program is something that can be updatable*).

12. Per claim 21, Ferlitsch discloses claim 20, Ferlitsch further discloses the change in specification for the attached device is a change in attachment status for the attached device relative to the apparatus to be controlled (*paragraph 39 discloses the subtraction of certain functions, services, features, and/or components e.g., if aforementioned do not have operational status anymore*).

13. Per claim 22, Ferlitsch discloses claim 19, Ferlitsch further disclosing obtaining from the memory a selected one of a plurality of pieces of information (*fig. 3, dynamically linkable object is one of a plurality*), the selected one of the plural pieces of information corresponding to the changed identification information which is representative of the combination of the apparatus to be controlled and the attached device with the changed specification (*paragraph 38, main object is constant, representative of at least of the aspect of the computer device in how it load and unloads dynamically linkable objections, paragraph 39, and some of the dynamically linkable objects are represent the functionality of the attached device, e.g., printer*).

14. Per claims 23-29, claims 19-22 are substantially similar and therefore the rejections are applied accordingly. The computer device intrinsically can be attached to a local printer via serial or parallel ports and as shown in figs. 2 and 4A, there is at minimum an Ethernet connector to communicate with the network.

Contact Information

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S. Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alan S Chen/
Primary Examiner, Art Unit 2182
06/01/08